

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 7-8, 13, 17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshry et al. (US 5,555,977).

Regarding claim 1, the prior art of Oshry et al. (hereafter Oshry) is a storage rack and sleeve device for holding and storing articles such as CD's. Oshry comprises a sleeve member (10) or pouch for receiving an article and specifically a CD. (Col. 3 Lines 55-60) The rack of Oshry comprises two parallel elongated elements (rails 52). (Col. 6 Line 7-10) The sleeve members (10) or pouches further include an engagement feature to enable sliding engagement with rails (52). The engagement members (opening 26) are pressed onto rails (52) in the manner of a resilient clip and will resist unintentional disengagement. (Col. 4 Line 62 - Col. 5 Line 4)

Regarding claim 2, in addition to the discussion in claim 1, the sleeve (10) or pouch has an opening (14) on one edge of the pouch other than the edge which attaches engagement members (openings 26). As can be seen in Figure 1, the engagement members (openings 26) comprise a narrow portion and a wide portion forming an aperture through pouch.

Regarding claim 7, Oshry comprises linear elongate elements (rails 52) and stops (64) at both ends of the rack (Col. 6 Lines 36-38)

Regarding claim 8, Oshry comprises connecting members (separators 60) connecting stops (64). (Col. 4 Lines 30-33, Figure 9) In the alternative embodiment shown in Figure 17a discloses connecting members comprising flanges (100) and arms (98) and stop members (spring base 96) connected thereto. Stop members are generally perpendicular to rails. (Col. 7 Lines 42-54)

Regarding claim 13, Oshry discloses an alternative embodiment for the rack structure shown in Figure 17a. This embodiment retains elements as discussed in claim 1 in a different design. In this embodiment connecting members comprising flanges (100) and arms (98) can slide along rails (90). (Col. 7 Lines 50-54)

Regarding claim 17, Oshry discloses pouches adapted to receive data discs.

Regarding claim 19, the embodiment shown in Figure 17a discloses connecting members comprising flanges (100) and arms (98) and stop members (spring base 96) connected thereto. Stop members are generally perpendicular to rails. (Col. 7 Lines 42-54)

Regarding claim 20, see the discussion of claim 2.

Regarding claim 21, see the discussion of claim 1.

Regarding claims 22-23, see Figure 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshry et al. (US 5,555,977).

Regarding claim 3, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the opening (14) to be on the opposite side of the sleeve (10) from the engagement members (24) so the opening would be facing upwards to have less chance of the CD's falling out of sleeves (10).

Regarding claim 4, connecting member (24) is connected on one edge of sleeve (12) via extension or joint (28). (Col. 4 Lines 29-30) It would have been obvious to one of ordinary skill in the art at the time of the invention create the sleeve (10) so that the portion comprising engagement member (24) was stiffer than the CD receiving portion because Oshry states the intention that the connecting member can be rigid.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshry et al. (US 5,555,977) in view of MacKelvie (US 2004/0007544).

The CD receiving pouch or sleeve (10) of Oshry does not teach a flap with a sleeve for receiving a label adjacent an open edge. MacKelvie teaches a CD

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receiving structure comprising a sleeved flap (channel 3) that is attached above an opening. (Pg. [0035])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sleeves (10) of Oshry with the flap (3) of MacKelvie attached to the open side of sleeve (10) because it would allow the use of label and prevent dust from entering the pouch. Since the flap (3) is flexible it would be capable of positioning in an unfolded or folded over orientation.

6. Claims 9-11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshry et al. (US 5,555,977) in view of Hunt (US 6,332,546).

Regarding claim 9, Oshry does teach end stops (64) with portions extending outwardly perpendicular to the plane of the stop. He does not teach connecting members (separators 60) with portions that project outwardly to a position corresponding to end stop (64).

The prior art of Hunt discloses a back stop member (44) in the form of a U-shaped retainer on a similar rack for storing and holding CD's. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the back stop member (44) attached to the connecting members (separators 60) of Oshry in a vertical orientation in order add additional support for the pouches and articles inside. The back stop would support the top end of the pouches. The back stop (44) added to Oshry and the outermost portions of the end stops (64) would lie in the same vertical plane and therefore be in corresponding positions. The rack could then be turned 90 degrees to rest on the added back stops (44) and the ends of the stop members (64).

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Regarding claim 10, with the addition of back stop members (44) to connecting members (separators 60) the back stop members (44) are U-shaped loops and end stops.

Regarding claim 11, as discussed in claim 9 back stop members (44) are added to the device Oshry and Hunt further teaches the back stop members (44) to be pivotally connected to fold flat and could be added in the same fashion to the device of Oshry. (Col. 5 Lines 54-60, Figure 12)

Regarding claim 18, see the discussions of claims 1 and 9.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshry et al. (US 5,555,977) in view of Hunt (US 6,332,546) as applied to claim 9 above and further in view of Chen (US 5,533,630).

Regarding claim 12, as discussed in claim 9, the added back stop members (44) would be attached to the connecting members (60) of Oshry. Chen teaches removable members (5) attached to a connecting rod (311). (Figure 1) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the back stop members (44) of Hunt via a removable clip (clamp 54) connection as taught by Chen.

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshry et al. (US 5,555,977) in view of Danon (US 5,485,929).

As discussed in regards to claim 13 above, the prior art of Oshry discloses an alternative embodiment for the rack structure shown in Figure 17a. This embodiment retains elements as discussed in claim 1 in a different design. This

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embodiment does not teach a U-shaped member with connecting members attached in a sliding fashion.

The prior art of Danon of a display and storage device teaches a U-shaped member (12) with connecting members (attachment member 70, clip assembly 14) attached with one connecting (clip assembly 14) member attached in a sliding fashion. (Col. 2 Lines 45-52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Oshry with the U-shaped member of Danon to replace the rail (90) because it would still retain the removable (bases) feature while adding a stabilizing and restricting end (U-shaped).

Regarding claim 15, it would have been obvious to one of ordinary skill in the art to add a means to facilitate movement over a surface such as pads which are well known in the art to be used in conjunction with "desktop" type items especially those comprising sliding features and therefore it would only involve routine skill in the art.

9. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshry et al. (US 5,555,977) in view of Uchida (GB 2,306,304A).

Uchida teaches a wallet disc storage device with elongate elements in the form of hoops. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the disc storage pouches from Oshry adapted for use in the wallet device of Uchida because they are a functional equivalent to the sleeves or pouches of Uchida.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Jones (US 1,120,941), Kielbasa (US 5,460,265), Hartstone (US 2002/0027112), Tseng (US 6,588,604), Nagel (6,889,855), Kennedy (US 5,117,984).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK HAWN whose telephone number is (571)270-5320. The examiner can normally be reached on 8:00am-5:00pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571)272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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